

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

LUKE EDWARD NICOZISIN,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

) Cause No.: 4:22-CR-00105 AGF/JMB

SENTENCING MEMORANDUM

I. BACKGROUND

On March 30, 2023, Luke Edward Nicozisin pled guilty to a single count superseding information which charged Distribution of Child Pornography in violation of 18 U.S.C § 2252A(a)(2) and 18 U.S.C. § 2252A(b)(1). On August 28, 2000, Luke Edward Nicozisin was born to the union of Paul Nicozisin and Shelly Nicozisin.

II. MENTAL AND EMOTIONAL HEALTH

Even as a young child Luke has always suffered from severe mental health and emotional health issues. Luke has been diagnosed with multiple mood disorders. Said diagnosis initially occurred when Luke was only 2 years old. Additionally, Luke suffers from depression, Bi-Polar Disorder, Anxiety Disorder, Attention Deficient Disorder, and Destructive Mood Disorder. Since age 2, Luke has seen multiple psychiatrists. Luke has also been prescribed numerous medications due to his mental health issues. In 2019, Luke was hospitalized at Mercy Hospital in Creve Coeur due to suicidal ideations. Clearly, Luke would benefit from participating in mental health treatment while incarcerated.

III. SUBSTANCE ABUSE

Luke also has a history of substance abuse. On a daily basis Luke would drink large quantities of alcohol often times; Luke drank so much he would experience “blackouts”. In the past Luke has abused marijuana and cocaine. Luke is likely to benefit from participating in the Residential Drug Abuse Program while incarcerated.

IV. PHYSICAL AND EMOTIONAL ABUSE

Luke experienced physical and emotional abuse at the hands of a former girlfriend. Luke advised that she would often times slap him in the face and berate him. Additionally, he was frequently bullied and verbally abused while in school.

V. EDUCATIONAL AND VOCATIONAL GOALS

Luke is a young person with tremendous potential and can be an asset to our society. In 2019, he graduated from Marquette High School. Luke also completed a vocational program at Crider's Institute for Welding Technology in Grain Valley, Missouri in 2020. According to school records Luke was a good student. In the future, Luke desires to own his own Real Estate Company.

VI. RECOMMENDATION

Pursuant to 18 U.S. C. § 3553(a) there are numerous factors that warrant a sentence of 7 years. Since the age of 2, Luke has suffered from severe mental health and emotional health issues. Additionally, Luke has a history of substance abuse. Furthermore, Luke experienced domestic violence at the hands of a former girlfriend. Also, Luke experienced abuse from other students while in school. Finally, Luke has never experienced a period of incarceration. For such a young person as Luke who suffers from so many mental health issues, a sentence of 7 years appears to be firm, fair, and just.

Respectfully submitted:

RUDMAN & SMITH, LLC

By: /s/ Timothy J. Smith

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CERTIFICATE OF SERVICE

I hereby certify on this 28th day of June 2023, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Federal Court's electronic filing system upon the Office of the United States Attorney, [111 South 10th Street, St. Louis, MO 63102.] [555 Independence Street, Cape Girardeau, MO 63703.]

/s/ Timothy J. Smith